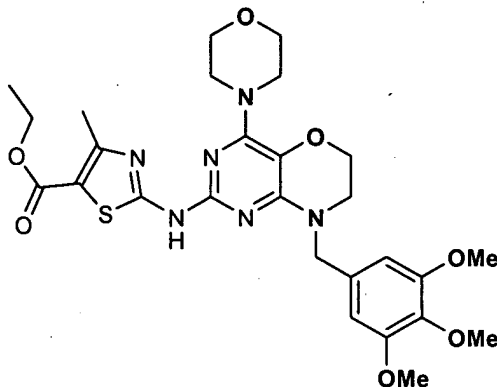


REMARKS

The Office Action states that the claims of this application recite at least eight separate classes of invention, and that further restriction may be required depending upon the chosen election. The Office Action requests that the Applicant elect one of these for prosecution as well as a single species, falling in the elected group.

In response to this restriction requirement, Applicant elects for prosecution, Group I and the



species of Example D2 having the formula:

and 15-21 each read on this elected species. Claims 1, 5, 6, 10, and 16 have been amended herein to be in compliance with the election of Groups I and II (see discussion below), new claim 21 has been added describing species within the scope of present claim 1, and claims 11- 14 have been canceled as describing non-elected inventions. Applicant reserves the right to present claims to any non-elected invention in one or more divisional or continuing applications.

The Applicant understands that this is a provisional election for purposes of search and examination only, in accordance with MPEP § 803.02, and not a requirement to restrict the scope of the generic and subgeneric claims of this application to such species.

The Applicant understands that, if the elected species is found to be allowable, Applicant's claims covering other disclosed species will be considered and examined, since applicant is entitled to consideration to claims to a reasonable number of species in addition to the elected species as provided for under 37 CFR 1.146.

Applicant traverses the restriction requirements set forth in the December 12, 2005 Office Action as the Group I restriction limits the variable "J¹" to oxygen only. Group II then describes identical compounds wherein J¹ is limited to sulfur only. The Examiner justifies this restriction based on differences in structure sub-classification. However, Applicants believe that a search

directed to compounds covered by the present claims, as defined in Groups I and II of the present restriction, can be performed without serious burden if the definition of J¹ is extended to cover both O or S. It would conflict with Markush practice and applicants' right to present a genus claim under 37 CFR § 1.141 if restriction were further required as to the genus defined by the present claims. Accordingly, the present claims have been amended to include compounds where J¹ is O or S in accordance with Groups I and II of the restriction requirement.


FEES

No fees should be due. However, if it is determined that a fee is due, please charge same to Deposit Account No. 19-3880 in the name of Bristol-Myers Squibb Company.

The Examiner is invited to contact the undersigned by telephone, at the number listed below, if it is believed that a telephonic communication would facilitate the prosecution of this application.

Respectfully submitted,

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